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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Online Publication Only

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

In Re: ADDITIONAL CHILD VICTIMS ACT CASES

REMOVED FROM STATE COURT.

ORDER

2:23-cv-04580 (JMA) (ST) and related cases

AZRACK, United States District Judge:

Currently pending before the undersigned are 58 actions brought under the New York Child Victims Act, each alleging sexual abuse. These actions were all recently removed from state court. After removal, the plaintiffs filed motions to remand and/or the parties entered into scheduling stipulations that address motions to remand.

In an August 10, 2023 decision, the Honorable Gary R. Brown remanded 42 similar sexual abuse cases. *In re Child Victims Act Cases Removed From State Ct.*, No. CV 23-5029(GRB), 2023 WL 5123396, at *5 (E.D.N.Y. Aug. 10, 2023). The undersigned finds Judge Brown's decision persuasive. The 58 cases pending before the undersigned are hereby remanded back to state court for the reasons set out in Judge Brown's August 10, 2023 decision. The Court finds that mandatory abstention applies here. The Court also finds that, even if mandatory abstention were inapplicable here, remand would still be warranted under the doctrines of permissive and equitable abstention.

The Court has also considered the defendants' arguments that this Court should defer ruling on remand pending proceedings before the Honorable Lorna G. Schofield in the Southern District of New York. The Court, however, again finds Judge Brown's decision persuasive on this point.

Accordingly, the 58 cases identified below are hereby remanded back to state court. The Clerk of the Court is directed to transfer the appropriate records to the clerks of the relevant state courts, and to close these cases.

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SO ORDERED.

Dated: August 17, 2023

Central Islip, New York

/s/ (JMA) JOAN M. AZRACK UNITED STATES DISTRICT JUDGE